

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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VERA N. NGWA,

08 Civ. 0859 (AJP)

Plaintiff,

-against-

CASTLE POINT MORTGAGE, INC., HEATHER
GEARIN, GMAC MORTGAGE, LLC and ROYAL
SETTLEMENT SERVICES, INC.,

Defendants.
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ANSWER WITH AFFIRMATIVE DEFENSES

Defendant, GMAC Mortgage, LLC, as and for its Answer to the Amended Complaint dated April 30, 2008 (the "Complaint") of Plaintiff, Vera N. Ngwa, responds as follows:

Preliminary Statement

1. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "1" of the Complaint and states that the allegations of such paragraph contain unilateral summaries and characterizations of law and fact by Plaintiff and need no response.

Jurisdiction

2. Defendant admits the allegations contained in paragraph numbered "2" of the Complaint.

3. Defendant admits the allegations contained in paragraph numbered "3" of the Complaint.

Parties

4. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “4” of the Complaint.

5. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “5” of the Complaint.

6. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “6” of the Complaint.

7. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “7” of the Complaint.

8. Defendant admits the allegations contained in the first sentence of paragraph numbered “8” of the Complaint, and denies the allegations contained in the remainder of paragraph numbered “8” but admits that Defendant holds and/or services residential mortgages on certain parcels of real estate located in the State of New York.

9. Defendant denies the allegations contained in paragraph numbered “9” of the Complaint and states that the allegations of such paragraph contain unilateral summaries and characterizations of law and fact by Plaintiff and need no response.

10. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “10” of the Complaint.

11. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “11” of the Complaint.

12. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “12” of the Complaint.

13. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “13” of the Complaint.

14. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “14” of the Complaint.

15. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “15” of the Complaint.

16. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “16” of the Complaint, and denies all such allegations to the extent that same may be construed to impute any of the conduct alleged therein to Defendant as a purported assignee of the mortgage loan referred to therein, and specifically denies the last sentence of paragraph numbered “16” of the Complaint.

Statutory and Regulatory Framework

17. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “17” of the Complaint, and states that the allegations of such paragraph contain unilateral summaries and characterizations of law and fact by Plaintiff and need no response.

18. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “18” of the Complaint, and states that the allegations of such paragraph contain unilateral summaries and characterizations of law and fact by Plaintiff and need no response.

19. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “19” of the Complaint, and states that

the allegations of such paragraph contain unilateral summaries and characterizations of law and fact by Plaintiff and need no response.

20. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “20” of the Complaint, and states that the allegations of such paragraph contain unilateral summaries and characterizations of law and fact by Plaintiff and need no response.

21. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “21” of the Complaint, and states that the allegations of such paragraph contain unilateral summaries and characterizations of law and fact by Plaintiff and need no response.

22. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “22” of the Complaint, and states that the allegations of such paragraph contain unilateral summaries and characterizations of law and fact by Plaintiff and need no response.

Statement of Facts

23. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “23” of the Complaint.

24. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “24” of the Complaint.

25. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “25” of the Complaint.

26. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “26” of the Complaint.

27. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “27” of the Complaint.

28. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “28” of the Complaint.

29. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “29” of the Complaint.

30. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “30” of the Complaint.

31. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “31” of the Complaint.

32. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “32” of the Complaint.

33. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “33” of the Complaint.

34. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “34” of the Complaint.

35. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “35” of the Complaint.

36. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “36” of the Complaint.

37. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “37” of the Complaint.

38. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “38” of the Complaint.

39. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “39” of the Complaint.

40. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “40” of the Complaint.

41. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “41” of the Complaint.

42. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “42” of the Complaint.

43. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “43” of the Complaint.

44. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “44” of the Complaint.

45. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “45” of the Complaint.

46. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “46” of the Complaint.

47. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “47” of the Complaint.

48. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “48” of the Complaint.

49. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “49” of the Complaint.

50. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “50” of the Complaint.

51. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “51” of the Complaint.

52. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “52” of the Complaint.

53. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “53” of the Complaint.

54. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “54” of the Complaint, and refers to the document described in such paragraph as to the content thereof.

55. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “55” of the Complaint, and refers to the document described in such paragraph as to the content thereof.

56. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “56” of the Complaint, and refers to the document described in such paragraph as to the content thereof.

57. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “57” of the Complaint, and refers to the document described in such paragraph as to the content thereof.

58. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “58” of the Complaint, and refers to the document described in such paragraph as to the content thereof.

59. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “59” of the Complaint, and refers to the document described in such paragraph as to the content thereof.

60. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “60” of the Complaint, and refers to the document described in such paragraph as to the content thereof.

61. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “61” of the Complaint, and refers to the document described in such paragraph as to the content thereof.

62. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “62” of the Complaint, and refers to the document described in such paragraph as to the content thereof.

63. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “63” of the Complaint, and refers to the document described in such paragraph as to the content thereof.

64. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “64” of the Complaint, and refers to the document described in such paragraph as to the content thereof.

65. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “65” of the Complaint, and refers to the document described in such paragraph as to the content thereof.

66. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “66” of the Complaint, and refers to the document described in such paragraph as to the content thereof.

67. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “67” of the Complaint, and refers to the document described in such paragraph as to the content thereof.

68. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “68” of the Complaint, and refers to the document described in such paragraph as to the content thereof.

69. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “69” of the Complaint, and refers to the document described in such paragraph as to the content thereof.

70. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “70” of the Complaint, and refers to the document described in such paragraph as to the content thereof.

71. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “71” of the Complaint, and refers to the document described in such paragraph as to the content thereof.

72. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “72” of the Complaint, and refers to the document described in such paragraph as to the content thereof.

73. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “73” of the Complaint, and refers to the document described in such paragraph as to the content thereof.

74. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “74” of the Complaint, and refers to the document described in such paragraph as to the content thereof.

75. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “75” of the Complaint, and refers to the document described in such paragraph as to the content thereof.

76. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “76” of the Complaint, and refers to the document described in such paragraph as to the content thereof.

77. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “77” of the Complaint, and refers to the document described in such paragraph as to the content thereof.

78. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “78” of the Complaint, and refers to the document described in such paragraph as to the content thereof.

79. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “79” of the Complaint, and refers to the document described in such paragraph as to the content thereof.

80. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “80” of the Complaint, and refers to the document described in such paragraph as to the content thereof.

81. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “81” of the Complaint, and refers to the document described in such paragraph as to the content thereof.

82. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “82” of the Complaint.

83. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in the first sentence of paragraph numbered “83” of the Complaint, and refers to the document described in such sentence as to the content thereof, and denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in the rest of paragraph numbered “83” of the Complaint.

84. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in the first sentence of paragraph numbered “84” of the Complaint, and refers to the document described in such paragraph as to the content thereof, and denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in the rest of paragraph numbered “84” of the Complaint.

85. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “85” of the Complaint, and refers to the document described in such paragraph as to the content thereof.

86. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “86” of the Complaint.

87. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “87” of the Complaint.

88. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “88” of the Complaint.

89. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “89” of the Complaint.

90. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “90” of the Complaint.

91. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “91” of the Complaint, and refers to the document described in such paragraph as to the content thereof.

92. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “92” of the Complaint, and refers to the document described in such paragraph as to the content thereof.

93. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “93” of the Complaint, and refers to the document described in such paragraph as to the content thereof.

94. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “94” of the Complaint.

95. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “95” of the Complaint.

96. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “96” of the Complaint.

97. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “97” of the Complaint.

98. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “98” of the Complaint.

99. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “99” of the Complaint.

100. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “100” of the Complaint.

101. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “101” of the Complaint.

102. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “102” of the Complaint.

103. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “103” of the Complaint.

104. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “104” of the Complaint.

105. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “105” of the Complaint.

106. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “106” of the Complaint, and denies all such allegations to the extent that same may be construed to impute any of the conduct alleged therein to Defendant as a purported assignee of the mortgage loan referred to therein.

AS AND FOR ITS ANSWER TO THE FIRST CAUSE OF ACTION AGAINST THE DEFENDANTS, CASTLE POINT MORTGAGE, INC. AND GMAC MORTGAGE, LLC

107. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “107” of the Complaint, and denies all such allegations to the extent that same may be construed to impute any of the conduct alleged therein to Defendant as a purported assignee of the mortgage loan referred to therein.

108. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “108” of the Complaint, and denies all such allegations to the extent that same may be construed to impute any of the conduct alleged therein to Defendant as a purported assignee of the mortgage loan referred to therein.

109. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “109” of the Complaint, and denies all such allegations to the extent that same may be construed to impute any of the conduct alleged therein to Defendant as a purported assignee of the mortgage loan referred to therein.

110. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “110” of the Complaint, and denies all such allegations to the extent that same may be construed to impute any of the conduct alleged therein to Defendant as a purported assignee of the mortgage loan referred to therein.

111. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “111” of the Complaint, and denies all such allegations to the extent that same may be construed to impute any of the conduct alleged therein to Defendant as a purported assignee of the mortgage loan referred to therein.

112. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “112” of the Complaint, and denies all such allegations to the extent that same may be construed to impute any of the conduct alleged therein to Defendant as a purported assignee of the mortgage loan referred to therein.

113. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “113” of the Complaint, and denies all such allegations to the extent that same may be construed to impute any of the conduct alleged therein to Defendant as a purported assignee of the mortgage loan referred to therein.

114. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “114” of the Complaint, and denies all such allegations to the extent that same may be construed to impute any of the conduct alleged therein to Defendant as a purported assignee of the mortgage loan referred to therein.

115. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “115” of the Complaint, and denies all such allegations to the extent that same may be construed to impute any of the conduct alleged therein to Defendant as a purported assignee of the mortgage loan referred to therein.

116. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “116” of the Complaint, and denies all

such allegations to the extent that same may be construed to impute any of the conduct alleged therein to Defendant as a purported assignee of the mortgage loan referred to therein.

117. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “117” of the Complaint, and denies all such allegations to the extent that same may be construed to impute any of the conduct alleged therein to Defendant as a purported assignee of the mortgage loan referred to therein.

118. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “118” of the Complaint, and denies all such allegations to the extent that same may be construed to impute any of the conduct alleged therein to Defendant as a purported assignee of the mortgage loan referred to therein.

119. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “119” of the Complaint, and denies all such allegations to the extent that same may be construed to impute any of the conduct alleged therein to Defendant as a purported assignee of the mortgage loan referred to therein.

120. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “120” of the Complaint, and denies all such allegations to the extent that same may be construed to impute any of the conduct alleged therein to Defendant as a purported assignee of the mortgage loan referred to therein.

121. Defendant denies the allegations contained in paragraph numbered “121” of the Complaint.

AS AND FOR ITS ANSWER TO THE SECOND CAUSE OF ACTION AGAINST THE DEFENDANTS, CASTLE POINT MORTGAGE, INC. AND GMAC MORTGAGE, LLC

122. As and for its answer to paragraph numbered “122” of the Complaint, Defendant repeats and realleges each and every response to paragraphs numbered “1” through “120” of the Complaint with the same force and effect as if more fully set forth herein.

123. Defendant denies the allegations contained in paragraph numbered “123” of the Complaint.

AS AND FOR ITS ANSWER TO THE THIRD CAUSE OF ACTION AGAINST THE DEFENDANTS, CASTLE POINT MORTGAGE, INC., HEATHER GEARIN AND ROYAL SETTLEMENT SERVICES, INC.

124. As and for its answer to paragraph numbered “124” of the Complaint, Defendant repeats and realleges each and every response to paragraphs numbered “1” through “120”, and “122” of the Complaint with the same force and effect as if more fully set forth herein.

125. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “125” of the Complaint.

126. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “126” of the Complaint.

127. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “127” of the Complaint.

128. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “128” of the Complaint.

129. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “129” of the Complaint.

130. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “130” of the Complaint.

131. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “131” of the Complaint.

132. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “132” of the Complaint.

133. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “133” of the Complaint.

134. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “134” of the Complaint.

135. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “135” of the Complaint.

136. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “136” of the Complaint.

137. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “137” of the Complaint.

138. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “138” of the Complaint.

139. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “139” of the Complaint.

140. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “140” of the Complaint.

141. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “141” of the Complaint.

142. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “142” of the Complaint.

143. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “143” of the Complaint.

144. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “144” of the Complaint.

AS AND FOR ITS ANSWER TO THE FOURTH CAUSE OF ACTION AGAINST THE DEFENDANTS, CASTLE POINT MORTGAGE, INC. AND GMAC MORTGAGE, LLC

145. As and for its answer to paragraph numbered “145” of the Complaint, Defendant repeats and realleges each and every response to paragraphs numbered “1” through “120”, “122”, and “124” through “143” of the Complaint with the same force and effect as if more fully set forth herein.

146. Defendant denies the allegations contained in paragraph numbered “146” of the Complaint.

AS AND FOR ITS ANSWER TO THE FIFTH CAUSE OF ACTION AGAINST THE DEFENDANT, CASTLE POINT MORTGAGE, INC.

147. As and for its answer to paragraph numbered “147” of the Complaint, Defendant repeats and realleges each and every response to paragraphs numbered “1” through “120”, “122”, “124” through “143”, and “145” of the Complaint with the same force and effect as if more fully set forth herein.

148. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “148” of the Complaint.

149. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “149” of the Complaint.

150. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “150” of the Complaint.

151. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “151” of the Complaint.

152. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “152” of the Complaint.

153. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “153” of the Complaint.

154. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “154” of the Complaint.

**AS AND FOR ITS ANSWER TO THE SIXTH CAUSE OF ACTION AGAINST THE
DEFENDANTS, CASTLE POINT MORTGAGE, INC., HEATHER GEARIN AND
ROYAL SETTLEMENT SERVICES, INC.**

155. As and for its answer to paragraph numbered “155” of the Complaint, Defendant repeats and realleges each and every response to paragraphs numbered “1” through “120”, “122”, “124” through “143”, “145”, and “147” through “153” of the Complaint with the same force and effect as if more fully set forth herein.

156. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “156” of the Complaint.

157. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “157” of the Complaint.

158. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “158” of the Complaint.

159. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “159” of the Complaint.

160. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “160” of the Complaint.

161. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “161” of the Complaint.

162. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “162” of the Complaint.

163. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “163” of the Complaint.

164. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “164” of the Complaint.

165. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “165” of the Complaint.

166. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “166” of the Complaint.

167. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “167” of the Complaint.

168. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “168” of the Complaint.

169. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “169” of the Complaint.

170. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “170” of the Complaint, and denies all

such allegations to the extent that same may be construed to impute any of the conduct alleged therein to Defendant as a purported assignee of the mortgage loan referred to therein.

171. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “171” of the Complaint, and denies all such allegations to the extent that same may be construed to impute any of the conduct alleged therein to Defendant as a purported assignee of the mortgage loan referred to therein.

172. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “172” of the Complaint.

173. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “173” of the Complaint.

174. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “174” of the Complaint, and denies all such allegations to the extent that same may be construed to impute any of the conduct alleged therein to Defendant as a purported assignee of the mortgage loan referred to therein.

175. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “175” of the Complaint, and denies all such allegations to the extent that same may be construed to impute any of the conduct alleged therein to Defendant as a purported assignee of the mortgage loan referred to therein.

176. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “176” of the Complaint, and denies all such allegations to the extent that same may be construed to impute any of the conduct alleged therein to Defendant as a purported assignee of the mortgage loan referred to therein.

AS AND FOR ITS ANSWER TO THE SEVENTH CAUSE OF ACTION AGAINST THE DEFENDANTS, CASTLE POINT MORTGAGE, INC. AND GMAC MORTGAGE, LLC

177. As and for its answer to paragraph numbered “177” of the Complaint, Defendant repeats and realleges each and every response to paragraphs numbered “1” through “120”, “122”, “124” through “143”, “145”, “147” through “153”, and “155” through “175” of the Complaint with the same force and effect as if more fully set forth herein.

178. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “178” of the Complaint.

179. Defendant denies the allegations contained in paragraph numbered “179” of the Complaint.

180. Defendant denies the allegations contained in paragraph numbered “180” of the Complaint.

AS AND FOR ITS ANSWER TO THE EIGHTH CAUSE OF ACTION AGAINST THE DEFENDANT, CASTLE POINT MORTGAGE, INC.

181. As and for its answer to paragraph numbered “181” of the Complaint, Defendant repeats and realleges each and every response to paragraphs numbered “1” through “120”, “122”, “124” through “143”, “145”, “147” through “153”, “155” through “175”, and “177” through “179” of the Complaint with the same force and effect as if more fully set forth herein.

182. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “182” of the Complaint.

183. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “183” of the Complaint.

184. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “184” of the Complaint.

185. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “185” of the Complaint.

186. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “186” of the Complaint.

187. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “187” of the Complaint.

**AS AND FOR ITS ANSWER TO THE NINTH CAUSE OF ACTION AGAINST THE
DEFENDANTS, CASTLE POINT MORTGAGE, INC. AND
ROYAL SETTLEMENT SERVICES, INC.**

188. As and for its answer to paragraph numbered “188” of the Complaint, Defendant repeats and realleges each and every response to paragraphs numbered “1” through “120”, “122”, “124” through “143”, “145”, “147” through “153”, “155” through “175”, “177” through “179”, and “181” through “186” of the Complaint with the same force and effect as if more fully set forth herein.

189. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “189” of the Complaint.

190. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “190” of the Complaint.

191. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “191” of the Complaint.

192. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “192” of the Complaint.

193. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “193” of the Complaint.

**AS AND FOR ITS ANSWER TO THE TENTH CAUSE OF ACTION AGAINST THE
DEFENDANTS, CASTLE POINT MORTGAGE, INC. AND
ROYAL SETTLEMENT SERVICES, INC.**

194. As and for its answer to paragraph numbered “194” of the Complaint, Defendant repeats and realleges each and every response to paragraphs numbered “1” through “120”, “122”, “124” through “143”, “145”, “147” through “153”, “155” through “175”, “177” through “179”, “181” through “186”, and “188” through “192” of the Complaint with the same force and effect as if more fully set forth herein.

195. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “195” of the Complaint.

196. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “196” of the Complaint.

197. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “197” of the Complaint.

198. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “198” of the Complaint.

199. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “199” of the Complaint.

200. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “200” of the Complaint.

201. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered “201” of the Complaint.

AS AND FOR ITS FIRST AFFIRMATIVE DEFENSE

202. The Complaint fails to state a claim or cause of action as against Defendant, GMAC Mortgage, LLC, upon which relief may be granted.

AS AND FOR ITS SECOND AFFIRMATIVE DEFENSE

203. Defendant, GMAC Mortgage, LLC, has never held a beneficial interest in the mortgage described in the Complaint and accordingly, the Complaint fails to state a claim or cause of action upon which relief may be granted.

AS AND FOR ITS THIRD AFFIRMATIVE DEFENSE

204. Defendant, GMAC Mortgage, LLC, acted merely as a servicer of the mortgage described in the Complaint and accordingly, the Complaint fails to state a claim or cause of action upon which relief can be granted.

RELIEF REQUESTED

WHEREFORE, Defendant prays for judgment against Plaintiff as follows:

- a) Dismissing the Complaint in its entirety with prejudice, together with an award of costs and expenses related to defending this action;
- b) Awarding such other, further and different relief as the Court may deem just and proper.

Dated: New York, New York
June 5, 2008

PLATZER, SWERGOLD, KARLIN,
LEVINE, GOLDBERG & JASLOW, LLP
Attorneys for Defendant
GMAC Mortgage, LLC

By: /s/ Stan L. Goldberg
Stan L. Goldberg (SLG 1869)
1065 Avenue of The Americas, 18th Fl.
New York, New York 10018
Tel: (212) 593-3000
Fax: (212) 593-0353